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FLORIDA | Board of Nursing Home Administrators

DRAFT MINUTES

February 20, 2015

Department of Health
4042 Bald Cypress Way
Tallahassee, FL 32399

Conference Call Meet Me Number: (888) 670-3525

Participant Code: 734242515



Henry Gerrity, III, NHA
Chair

Scott Lipman, MHSA, NHA
Vice-Chair

Adrienne Rodgers, BSN, JD
Executive Director

1 **General Board Business started: 9:00 a.m.**

2
3 The meeting was called to order by Mr. Gerrity, Chair. Those present for all or part of the meeting included the following:

4
5 **MEMBERS PRESENT:**

6 Henry Gerrity, III, NHA, Chair
7 Scott Lipman, MHSA, NHA, Vice-Chair
8 Chantelle Fernandez, MBA, NHA
9 Michael Helmer, BA
10 Christine Hankerson, MSN, MS/P, Ph.D, RN

11 **STAFF PRESENT:**

Adrienne Rodgers, BSN, JD, Executive Director
Joseph Lesho, Program Operations Administrator
Michele Jackson, Regulatory Supervisor/Consultant

12 **EXCUSED ABSENCES:**

13 Patricia Feeney, RN, BSN, HCRM
14 Motion to approve Ms. Feeney's absence made by Mr. Gerrity, seconded by Mr. Helmer.
15 Vote: 5 yeas / 0 opposed; motion carried

16
17 **BOARD COUNSEL:**

18 Lawrence Harris, Assistant Attorney General
19 Deborah Loucks, Assistant Attorney General
20 Meghan Zebrosky, Certified Legal Intern
21 Office of the Attorney General

22
23 **PROSECUTION COUNSEL:**

24 Linda McMullen, Assistant General Counsel
25 Department of Health, Office of the General Counsel

26
27 **COURT REPORTER:**

28 Court Reporter: For the Record Reporting
29 Phone: (850) 222-5491
30 Contact: Kay Fitchner

31
32 *Please note the minutes reflect the actual order agenda items were discussed and may differ from the agenda outline. AUDIO from*
33 *this meeting can be found online: <http://floridasnursinghomeadmin.gov/meeting-information/>*

34
35 **Section II started at 9:03 a.m.**

36
37 **II. APPROVAL OF PREVIOUS MEETING'S MINUTES OF THE BOARD OF NURSING HOME**
38 **ADMINISTRATORS**

39
40 Minutes of the December 12, 2014 Full Board Meeting were reviewed. Dr. Hankerson noted that on page 5, Ms. Annette was
41 referred to as "he."

42
43 **Board Action:** Motion to accept the minutes as amended was made by Mr. Gerrity and seconded by Mr. Gerrity.
44 Vote: 5 ayes / 0 opposed; motion carried

45
46 **Section II concluded at 9:39 a.m.**

47 **Section III started at 9:39 a.m.**

48
49 **III. EXTENSION REQUESTS:**

- 50 **a. Administrator-in-training**
51 **i. Walter Gibson, Administrator-in-Training**
52 Mr. Gibson was not present and was not represented by counsel.

53
54 On September 1, 2013, Mr. Gibson began the A-I-T program and submitted his first report on December 13, 2013.
55 That report was approved. Mr. Gibson subsequently encountered difficulties with his A-I-T program and preceptor and,
56 as a result, requested an extension of time to submit his second quarter AIT report, so that he could find another
57 preceptor. Rule 64B10-16.001(9), F.A.C., provides that the Board may approve a temporary discontinuance of the

1 A-I-T training for up to 1 year. By Order filed July 2, 2014, the Board granted Mr. Gibson an extension of one-year,
2 which would end on June 20, 2015, to complete the A-I-T program. Mr. Gibson was notified on January 8, 2015, that
3 his second quarter A-I-T report was overdue. On January 13, 2015, Mr. Gibson again requested an extension of time to
4 complete his A-I-T program.

5
6 **Discussion:**

7 Mr. Harris presented the language of rule 64B10-16.001(9), F.A.C., for the Board's consideration. Dr. Hankerson
8 stated that the applicant had already been granted the one-year extension.

9
10 **Board Action:** Motion to reject the request for extension based on the applicant having already been granted a one-year
11 extension of time and having ample time to complete the program made by Dr. Hankerson seconded by Mr. Gerrity.
12 Vote: 5 yeas / 0 opposed; motion carried

13
14 **Section III concluded at 9:42 a.m.**

15 **Section VIII started at 9:42 a.m.**

16
17 **VIII. BOARD COUNSEL'S REPORT**

- 18
19 a. Rules Status Report – January 2015
20
21 b. Rule 64B10-11.002, F.A.C.

22
23 Mr. Harris prepared draft language to address the Board's concerns about the Nursing Home Administrators
24 Examination, the duration of an internship, and demonstration of supervised direct management experience.

- 25
26 • Rule 64B10-11.002(2)(b), F.A.C., proposed that the Board would accept the results of examination from a candidate
27 who successfully passed the examination in order to obtain licensure in another state, as long as the applicant
28 achieved licensure in that state and obtained a passing score on or before the third (3rd) attempt.
29 • Rule 64B10-11.002(2)(b)1., F.A.C., proposed that for any internship begun prior to December 2, 2013, the Board
30 will not require 650 hours if the institution offering the internship required fewer hours for completion of the
31 internship.
32 • Rule 64B10-11.002(2)(c)2.b., F.A.C., clarified that the demonstration of supervised direct management experience
33 required responsibility for the overall operation of facility departments, not just oversight.

34
35 **Discussion:**

36 The Board reviewed the language and agreed that, as written, the language expressed its intent.

37
38 **Board Action:** Motion to accept the proposed rule language made by Dr. Hankerson, seconded by Mr. Gerrity.
39 Vote: 5 yeas / 0 opposed; motion carried

40
41 Mr. Harris queried the Board as to whether the rule, as presented, imposed additional costs, or adversely impacted
42 small businesses and whether the language imposed additional regulatory costs. The Board determined no SERC
43 was required.

44 **Board Action:** Motion to accept the proposed rule language made by Mr. Gerrity, seconded by Dr. Hankerson.
45 Vote: 5 yeas / 0 opposed; motion carried

- 46
47 c. Rule 64B10-11.003, F.A.C.

48
49 Mr. Harris proposed changes to the version of the rule approved in September 2014, and sought to clarify the
50 requirements for re-examinations.

- 51
52 • Rule 64B10-11.003(1), F.A.C., clarified that the two examinations which applicants were required to pass were the
53 examinations specified in Rule 64B10-11.002(1), F.A.C., and must be taken within one-year of the date of
54 application for licensure.
55 • Rule 64B10-11.002(2), F.A.C., specified the form to be used in applying for re-examination.
56 • Rule 64B10-11.002(3), F.A.C., clarified that an applicant who failed to achieve passing scores on both examinations
57 within one year.
58

1
2 **Discussion:**

3 The Board reviewed the language and agreed that, as written, the language expressed its intent.
4

5 **Board Action:** Motion to accept the proposed rule language made by Dr. Hankerson, seconded by Mr. Gerrity.
6 Vote: 5 yeas / 0 opposed; motion carried
7

8 Mr. Harris queried the Board as to whether the rule, as presented, imposed additional costs, or adversely impacted
9 small businesses and whether the language imposed additional regulatory costs. The Board determined no SERC
10 was required.

11 **Board Action:** Motion to accept the proposed rule language made by Mr. Gerrity, seconded by Dr. Hankerson.
12 Vote: 5 yeas / 0 opposed; motion carried
13

14 d. Rule 64B10-11.012, F.A.C.

15
16 Mr. Harris proposed changes to rule 64B10-11.012, F.A.C. The draft language proposed changes to the requirements
17 for notifying the Board of changes of address/employing facility.
18

19 **Discussion:**

20 The Board entered into extensive discussion of who, in addition to the Nursing Home Administrator should report
21 changes. The Board further discussed the definition of the phrase “assistant administrator” and who, if both the
22 administrator and the assistant administrator were licensed, would be held ultimately responsible and disciplined in
23 the event that there was a violation of the practice act reported to the department.
24

25 **Board Action:** Motion to table the proposed rule language to the April 2015 meeting of the Board made by Dr.
26 Hankerson, seconded by Ms. Fernandez.
27 Vote: 5 yeas / 0 opposed; motion carried
28

29 **Section VIII concluded at 9:41 a.m.**

30 **Section IV started at 9:41 a.m.**

31
32 **IV. APPLICANTS PRESENTED FOR BOARD REVIEW:**

33 a. Nursing Home Administrator

34
35 i. Jennifer Ann Angel, Nursing Home Administrator
36 Ms. Angel was present and was not represented by counsel.
37
38

39 Ms. Angel applied for licensure as a Nursing Home Administrator based on one year of management experience. Ms.
40 Angel did not appear to meet the licensure requirements outlined in Rule 64B10-11.002, F.A.C., because she failed to
41 demonstrate responsibility for the overall operation of facility departments. Instead it appeared that she held oversight
42 responsibility only. Mr. Lipman stated he did not see a direct line of authority over the organization.
43

44 **Discussion:**

45 Dr. Hankerson and Ms. Fernandez agreed that the organizational chart and the administrator’s letter did show Ms. Angel
46 was in the direct line of authority over all departments of the facility.
47

48 **Board Action:** Motion to grant the application for licensure and determine that she is eligible to take the examination
49 made by Dr. Hankerson, seconded by Ms. Fernandez.
50 Vote: 5 yeas / 0 opposed; motion carried
51

52 ii. Robert Vance Boyd, Nursing Home Administrator
53 Mr. Boyd was present and was not represented by counsel.
54

55 Mr. Boyd applied for licensure as a Nursing Home Administrator based on one year of management experience. Mr.
56 Boyd did not appear to meet the licensure requirements outlined in Rule 64B10-11.002, F.A.C., because his experience
57 only covered June 24, 2013 through February 28, 2014.
58

1 **Discussion:**

2 Mr. Boyd stated that he had one year of experience in a combination of two different facilities. He also stated that he
3 passed the examination in March 2013.

4
5 **Board Action:** Motion to grant the application for licensure and determine that he is eligible to take the examination
6 made by Dr. Hankerson, seconded by Ms. Fernandez.

7 Vote: 5 yeas / 0 opposed; motion carried

8
9 iii. Tyler Fields Price, Nursing Home Administrator

10 Mr. Price was present and was not represented by counsel.

11
12 Mr. Price applied based on the one year of management experience. Mr. Price did not appear to meet the licensure
13 requirements outlined in Rule 64B10-11.002, F.A.C., because his experience as an Assistant Administrator did not
14 reflect supervised direct management experience in the role of an executive manager, performing the same duties and
15 skills expected of a Florida licensed nursing home administrator for Human resources, Resident care; Dietary;
16 Accounting/bookkeeping, Life safety; Maintenance and housekeeping; and Therapies programs.

17
18 **Discussion:**

19 Dr. Hankerson stated that the application failed to demonstrate Mr. Price's position at the facility and therefore, the
20 application did not meet the requirements of the rule. Mr. Boyd informed the Board that he had included an outdated
21 organizational chart in his application and he could supply the updated one showing that he was in the direct line of
22 management. Mr. Boyd agreed to waive the 90-day requirement.

23
24 **Board Action:** Motion to grant the application for licensure and determine that he is eligible to take the examination if
25 Mr. Boyd presented to Board staff an organizational chart that demonstrated his direct line of responsibility and the
26 Credentialing Committee Chair approved the application, but if the application could not be approved by the Committee
27 Chair, then the applicant must return to the full Board for consideration made by Dr. Hankerson, seconded by Mr.
28 Gerrity.

29 Vote: 5 yeas / 0 opposed; motion carried

30
31 iv. Aundrea Leonard, Nursing Home Administrator

32 Ms. Leonard was present and was not represented by counsel.

33
34 Ms. Leonard applied for licensure as a Nursing Home Administrator based on endorsement. Ms. Leonard holds an
35 active license in Pennsylvania and an inactive license in New Jersey. Those state's requirements for licensure are
36 substantially different from those of Florida.

37
38 **Discussion:**

39 After discussion, the Board agreed that the applicant could be approved to sit for the examination based on one-year of
40 experience if Ms. Leonard amended her application. The applicant agreed and was provided instruction on how to
41 make the change.

42
43 **Board Action:** Motion to grant the application for licensure and determine that she is eligible to take the examination
44 provided that the applicant amend her application as discussed made by Mr. Gerrity, seconded by Mr. Lipman.

45 **Vote:** 5 yeas / 0 opposed; motion carried

46
47
48 **Section IV concluded at 10:0 a.m.**

49 **Section V started at 10:01 a.m.**

50
51
52 **V. RATIFICATION OF LICENSURE**

53 a. Nursing Home Administrators

54
55 **Board Action:** Motion to ratify issuance of Nursing Home Administrators license numbers 5676 through 5681, 5685, and
56 5691 through 5693 made by Mr. Gerrity, second by Dr. Hankerson.

57 Vote: 5 yeas; motion carried

1 b. Nursing Home Administrators (Exam)

2 **Board Action:** Motion to ratify individuals approved by Board staff, Credentialing Committee, or Full Board to sit for the
3 Nursing Home Administrator laws and rules examination and/or the NAB examination: Debborah Ann Langlois through
4 Ceceile Annette Carroll-Byfiled listed on page 138 of the agenda made by Mr. Gerrity, second by Dr. Hankerson.
5 Vote: 5 yeas; motion carried
6

7 c. Administrator-in-Training

8 **Board Action:** Motion to ratify applicants issued license numbers 3446, 5277, 5277, and 5266 to begin an Administrator-In-
9 Training program made by Mr. Gerrity, second by Dr. Hankerson.
10 Vote: 5 yeas; motion carried
11

12 d. Preceptors

13 **Board Action:** Motion to ratify applicants approved as a Preceptor: Brad Howell Nobles and Shawn Patrick Corley, was
14 made by Mr. Gerrity, second by Dr. Hankerson.
15 Vote: 5 yeas; motion carried
16

17 **Section V concluded at 10:40 a.m.**

18 **Section VI started at 10:04 a.m.**

19
20 **VI. CHAIR/VICE CHAIR REPORT**

- 21
22 a. Future Agenda Items: The Chair requested that staff and board counsel work on the language for rule regarding the
23 A-I-T program.
24

25 **Section VI concluded at 10:06 a.m.**

26 **Section VII started at 10:06 a.m.**

27
28 **VII. EXECUTIVE DIRECTOR'S REPORT**

- 29
30 a. FYI – Letter from Saint Joseph's College regarding online program
31
32 b. Ms. Rodgers requested that the Board consider changing the date of the December 18, 2015 board meeting. The Board
33 members requested that the meeting be changed to November.
34
35 c. Laws and Rules Exam – DOH Request for Change
36 Zohre Bahrayni, Ph.D. was present and requested that the Board consider amending the Laws and Rules examination no
37 longer be a part of the requirements for initial licensure; instead, a Laws and Rules course should become a requirement
38 for continuing education.
39

40 **Discussion:** The Board discussed its options of changing to a continuing education course or having the examination
41 given by the NAB together with the national examination. In addition, the Board discussed opening the rule for
42 development to look at specifying a 2-hour laws and rules course is part of the requirements for biennial renewal. Ms.
43 Loucks stated rule language would be brought back to the next meeting as part of 64B10-15.001, FAC.
44

45 **Board Action:** Motion to move the examination to NAB and develop the rule to include the laws and rules course for a
46 2-hour CE for renewal made by Dr. Hankerson, seconded by Mr. Gerrity.
47 Vote: 5 yeas / 0 opposed; motion carried
48

49 **VIII. NEW BUSINESS**

50
51 **Discussion:** Mr. Lesho presented information regarding the change to Board member compensation upon conversion to
52 1099 employees.
53

54 **IX. COMMITTEE REPORTS**

- 55
56 a. AIT/Preceptor – Ms. Fernandez/Mr. Gerrity/Mr. Lipman concurred that the reports were improving although the
57 first quarter reports continued to be less than satisfactory.
58

1 b. Budget – Mr. Helmer had no report.

2
3 c. Continuing Education – Ms. Feeney was excused from this meeting.

4
5 i. Ratification of Continuing Education Providers and Courses approved by CE Committee Chair
6 **Board Action:** Motion to ratify course 20-468132 and 20-472531 made by Mr. Lipman, seconded by Ms. Fernandez.
7 Vote: 5 yeas; motion carried

8
9 ii. Provider – Pedagogy Incorporated

10
11 1. Course #20-466753 – Reducing Medication Errors: A Focus on the Med Pass for Administrators
12 Capra Dalton, as representative for Pedagogy Incorporated, was present.

13
14 Pedagogy Incorporated submitted course #20-466753 for approval. The course description did not identify the domain of
15 practice and did not appear to meet the requirements of the prevention of medication errors required under chapter 456,
16 F.S.

17
18 **Board Action:** Motion to have additional information be brought to the full Board at its next meeting made by Dr.
19 Hankerson, seconded by Mr. Gerrity. Ms. Dalton waived the 90-day requirement and agreed to bring the requested
20 information.

21
22 d. Credentials – Mr. Lipman had no report

23
24 e. Disciplinary Compliance – Dr. Hankerson had no report

25
26 f. Healthiest Weight – Dr. Hankerson informed the Board that the Public Service Announcements had been uploaded
27 to the Board’s website. The Board asked if information on the Healthiest Weight initiative could be sent to schools
28 and nursing homes.

29
30 g. Legislation – Mr. Helmer had no report

31
32 h. Probable Cause – no additional report

33
34 i. Stats

35
36 i. Rules – Ms. Feeney was excused from this meeting

37
38 j. Unlicensed Activity – Ms. Feeney was excused from this meeting

39
40 **X.** NEXT MEETING DATE: April 17, 2015 – Teleconference Call

41
42 **XI.** ADJOURNMENT

43
44 **General Board Business concluded at 10:39 a.m.**

45 The meeting was adjourned at 10:39 a.m.